

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/295,580

exemplary illustration of an input device. Therefore, Applicant requests the objection to be withdrawn.

Turning to the merits of the Office Action, claims 3-6 remain pending in the application. Claims 3-6 have been rejected under 35 U.S.C. § 103 as being unpatentable over Kirson (previously of record) in view of Fukushima et al. (U.S.P. 5,270,936, hereinafter “Fukushima”) in view of Kakihara (previously of record), in view of Nakhla (U.S.P. 5,526,265). Applicant hereinabove amends the claims to describe the invention more particularly. Applicant further respectfully submits the following arguments in traversal of the prior art rejections.

Applicant’s invention relates to a navigation apparatus that permits the user to easily obtain map information for a site selected from a number of potential destination or intermediate landmark sites. In relevant part, the invention includes a device to calculate the straight-line distance from a vehicle to the potential destination or intermediate landmark sites. The sites are displayed in ascending order based on the distance calculated by the straight-line calculating device. The user is able to select a destination or landmark point based on ordering of these points. Once the selection is made, an additional feature of the invention displays a local map based on the selected site. In an alternative embodiment of the invention, the distance calculations can be made between a destination or landmark site and a point of interest that is different from the present location of the user.

Turning to the cited art, Kirson and Kakihara have been described in the parent application. Kakihara is described in the Amendment filed on August 13, 1998, at pages 5-6 and Kirson is described in the Amendment filed on December 22, 1998 at page 2. The Examiner is

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referred to these descriptions. Further to these descriptions, it is noted that the primary reference Kirson describes an apparatus that shows the user alternative routes between an originating point where the driver is located and a single destination point. Information, such as the travel distance and the approximate travel time, is displayed to permit a user to select a route to the sole destination.

Turning to the newly cited references, Nakhla relates to a flight management controller that informs the pilot of an aircraft of alternative landing sites in case of emergency. Each of the landing sites is displayed with distance information to alternative landing sites from the present location of the aircraft, travel time to the site, and an estimate of the amount of fuel remaining if landing at a particular site is attempted.

Fukushima relates to a navigation apparatus, whereby the present position of a vehicle is determined relative to a known proximal point. The direction and distance between the present vehicle location and the known proximal point is displayed for use by a driver. In this way, the driver is able to orient himself relative to the known proximal point without cluttering a display with road map information.

The Examiner correctly concedes that Kirson does not calculate a distance between a first point and a second point based on a straight-line distance as described in independent claims 3 and 5. The Examiner then cites Fukushima to make up for this deficiency. Applicant submits that the Examiner's modification of Kirson to include a straight-line distance calculation is not supportable.

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Specifically, the primary object of Kirson is to calculate the distance of several alternative routes to a single destination point. The alternative routes will have different distances and travel times based on the type of road and how direct the roads are between an originating point and the destination. By contrast, a straight-line distance calculation comprises a constant distance, leaving the user no alternative for picking alternative routes. Such repetitive information is useless to the driver. See Kirson, Col. 1, line 64 to col. 2, line 9. The modification for including a single straight line distance calculation would defeat the fundamental object of the Kirson reference. Modifications that contradict a principle of operation of a reference do not support prior art rejections. MPEP § 2143.01.

The Examiner maintains that inclusion of a straight-line calculation feature in Kirson would increase the speed of the distance calculation. However, this rationale for the modification ignores the fact that the determination of road distances, not straight-line distances, is a fundamental object of the Kirson invention. Moreover, the fact that the Examiner would make such a modification to the primary reference, which is so contradictory to the purpose of the disclosed invention of Kirson supports the position that the Examiner has made the modification using improper hindsight reconstruction. Therefore, independent claims 3 and 5 are patentable for at least this reason.

The Examiner further correctly concedes that Kirson does not teach that a plurality of distances to a plurality of locations are calculated and that the locations are displayed in an ascending order based on calculated distance. The Examiner cites Nakhla and Kakihara to make

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up for this deficiency of the primary reference. This rejection over the combinations of Kirson, Nakhla and Kakihara are not supported for at least two reasons.

First, as set forth in the Amendment of August 13, 1998 in the parent application, Kakihara does not display location names based on calculated distance. Rather, the distances associated with locations are retrieved from memory and not calculated. Kakihara, col. 8, lines 37-52. Therefore, contrary to the Examiner's contention, Kakihara does not make up for a fundamental deficiency of Kirson.

Second, the Examiner's modification of Kirson is not supportable because here again, the Examiner is ignoring the primary object of Kirson. As set forth above, an object of Kirson is to provide alternative routes to a sole destination. To the extent that Nakhla calculates distances to different destinations would not provide alternative routes to a single destination, which is the fundamental object of Kirson. Again, the Examiner's modification, that contradicts the fundamental principle of the reference, is evidence of improper hindsight in maintaining the prior art rejection. Therefore, independent claims 3 and 5 are patentable for this additional reason.

Because claims 4 and 6 are respectively dependent upon claims 3 and 5, these claims are patentable for at least the reasons set forth above for the independent claims.

With further regard to dependent claim 4, this claim describes a map display controller that retrieves map data around a location representing coordinate data selected by a user. A map of the area based on the selected coordinates is displayed. The Examiner cites Fig. 4 of Nakhla as teaching this feature. However, Nakhla merely provides textual descriptions of distance and travel time, which does not comprise display of local "map" data as described in claim 4. None

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of the remaining references teach a map controller for displaying a local map based on a user's selected point, which in turn, was selected based on a calculated distance. Therefore, claim 4 is patentable for this additional reason.

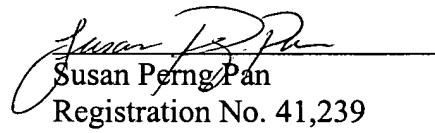
With further regard to independent claim 5, this claim describes that distances are calculated between a first point of interest and a selected destination point. Significantly, the first point of interest corresponds to a place that is different from the location presently being occupied by the user of the map display system. By contrast, each of the references is based on a point of reference where the user of the map display system is located and a destination point. See Kirson, col. 3, lines 35-45; Nakhla, 6, lines 17-19; Fukushima, col. 3, lines 45-55; Kakihara, col. 1, lines 55-65. Therefore, claim 5 is patentable for this additional reason.

In view of the above, Applicant submits that claims 3-6 are in condition for allowance. Therefore it is respectfully requested that the subject application be passed to issue at the earliest possible time. The Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

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Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



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